



General Assembly

February Session, 2006

Raised Bill No. 506

LCO No. 2447

02447_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING END CAP DISPLAYS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-79 of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2006*):

4 (a) For the purposes of this section (1) "consumer commodity" and
5 "unit of a consumer commodity" have the same meaning as in section
6 21a-73, except that consumer commodity does not include alcoholic
7 liquor, as defined in subdivision (3) of section 30-1, as amended, or a
8 carbonated soft drink container; (2) "carbonated soft drink container"
9 means an individual, separate, sealed glass, metal or plastic bottle, can,
10 jar or carton containing a carbonated liquid soft drink sold separately
11 or in packages of not more than twenty-four individual containers; (3)
12 "universal product coding" means any system of coding that entails
13 electronic pricing; (4) an electronic shelf labeling system is an
14 electronic system that utilizes an electronic device attached to the shelf
15 or at any other point of sale, immediately below or above the item, that
16 conspicuously and clearly displays to the consumer the unit price and
17 the price of the consumer commodity. Such electronic shelf labeling

18 system reads the exact same data as the electronic cash register
19 scanning system; and (5) an electronic pricing system is a system that
20 utilizes the universal product coding bar code by means of a scanner in
21 combination with the cash register to record and total a customer's
22 purchases.

23 (b) (1) (A) Any person, firm, partnership, association or corporation
24 that utilizes universal product coding in totaling a retail customer's
25 purchases shall mark or cause to be marked each consumer
26 commodity that bears a Universal Product Code with its retail price.

27 (B) Any person, firm, partnership, association or corporation that
28 utilizes an electronic pricing system in totaling a retail consumer's
29 purchases shall provide each consumer with an item-by-item digital
30 display, plainly visible to the consumer as each universal pricing code
31 is scanned, of the price of each consumer commodity or carbonated
32 soft drink container, or both, selected for purchase by such consumer
33 prior to accepting payment from such consumer for such commodity
34 or container. The provisions of this subparagraph do not apply to any
35 person, firm, partnership, association or corporation operating in a
36 retail sales area of not more than ten thousand square feet.

37 (2) The provisions of subparagraph (A) of subdivision (1) of this
38 subsection shall not apply if: (A) The Commissioner of Consumer
39 Protection, by regulation, allows for the utilization of electronic shelf
40 labeling systems; (B) a retailer is granted approval to utilize an
41 electronic shelf labeling system by the commissioner; (C) the retailer
42 has demonstrated to the satisfaction of the commissioner that such
43 electronic shelf labeling system is supported by an electronic pricing
44 system that utilizes universal product coding in totaling a retail
45 customer's purchases; and (D) the retailer has received approval for
46 such an electronic pricing system by the commissioner.

47 (3) The provisions of subparagraph (A) of subdivision (1) of this
48 subsection shall not apply if: (A) The retailer has met the conditions of
49 subdivision (2) of this subsection; and (B) the retailer has received

50 permission by the commissioner to suspend implementation of the
51 electronic pricing system for a period not to exceed thirty days in order
52 to allow the retailer or an agent acting on behalf of the retailer to reset,
53 remodel, repair or otherwise modify such system at the retail
54 establishment.

55 (4) Notwithstanding any provision of this subsection, consumer
56 commodities that are offered for sale and that are located on an end
57 cap display within the retail sales area are not subject to [any
58 requirement for the utilization of an electronic shelf labeling system]
59 the provisions of subdivision (1) of this subsection, provided any
60 information that would have been available to a consumer [with the
61 use of an electronic shelf labeling system] pursuant to this section is
62 clearly and conspicuously posted on or adjacent to such end cap. For
63 purposes of this subdivision, "end cap display" means the location in
64 the retail sales area that is at the immediate end of an aisle.

65 (5) Consumer commodities that are advertised in a publicly-
66 circulated printed form as being offered for sale at a reduced price for
67 a minimum seven-day period need not be individually marked at such
68 reduced retail price, provided such consumer commodities are
69 individually marked with their regular retail price and a conspicuous
70 sign is adjacent to such consumer commodities, which sign discloses:
71 (A) The reduced retail price and its unit price; and (B) a statement that
72 the item will be electronically priced at the reduced price by the
73 cashier.

74 (6) If a consumer commodity is offered for sale at a reduced price, in
75 accordance with subdivision (5) of this subsection and its electronic
76 price is higher than the reduced price on the sign that is adjacent to the
77 consumer commodity, then one item of such consumer commodity
78 shall be given to the consumer upon demand at no cost. A conspicuous
79 sign shall adequately disclose to the consumer that in the event the
80 electronic price is higher than the reduced retail price, one item of such
81 consumer commodity shall be given to the customer upon demand at

82 no cost.

83 (c) (1) The Commissioner of Consumer Protection may adopt
84 regulations, in accordance with the provisions of chapter 54,
85 concerning the marking of prices and use of universal product coding
86 on each unit of a consumer commodity.

87 (2) The Commissioner of Consumer Protection may adopt
88 regulations, in accordance with the provisions of chapter 54,
89 designating not more than twelve consumer commodities that need
90 not be marked in accordance with subdivision (1) of subsection (b) of
91 this section and specifying the method of providing adequate
92 disclosure to consumers to insure that the electronic pricing of the
93 designated consumer commodities is accurate. The commissioner may
94 establish by regulation methods to protect consumers against
95 electronic pricing errors of such designated consumer commodities
96 and to insure that the electronic prices of such designated consumer
97 commodities are accurate. Among the methods that the commissioner
98 may consider are conditions similar to those set forth in subdivision (5)
99 of subsection (b) of this section.

100 (d) The Commissioner of Consumer Protection, after providing
101 notice and conducting a hearing in accordance with the provisions of
102 chapter 54, may issue a warning citation or impose a civil penalty of
103 not more than one hundred dollars for the first offense and not more
104 than five hundred dollars for each subsequent offense on any person,
105 firm, partnership, association or corporation that violates any
106 provision of subsection (b) of this section or any regulation adopted
107 pursuant to subsection (c) of this section. Any person, firm,
108 partnership, association or corporation that violates any provision of
109 subsection (b) of this section or any regulation adopted pursuant to
110 subsection (c) of this section shall be fined not more than two hundred
111 dollars for the first offense nor more than one thousand dollars for
112 each subsequent offense. Each violation with respect to all units of a
113 particular consumer commodity on any single day shall be deemed a

114 single offense.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	21a-79
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Statement of Purpose:

To exempt retail sales end cap displays from UPC labeling requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]